

THE PRESENCE OF ORDOLIBERALISM IN THE CONCEPTIONS OF THE GERMAN STATE IN THE SECOND HALF OF THE TWENTIETH CENTURY

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ABSTRACT

This article wants to conduct a comparative study between ordoliberal theory and the measures adopted by the German state in the post-World War II. Thus, analysing how this theoretical scope corroborated to remedy the political, economic and social crisis that has brought the country. In fact, the ordoliberals as theoretical thinking begins to be drafted since 1938 in the journal entitled Ordo, linked to Freiburg school, but applied more effectively only after 1945. Among its most prominent measures can highlight the guarantee of a healthy environment competition through market principles, in order not to allow the formation of monopolies and oligopolies, thus the Freiburg school stands out in normativity that arises in the role of the state and monopolies, the latter, understanding the beneficial role of state intervention and the great problem of the concentration of monopolies (SCHNYDER and SIEMS, 2012). Among the main goals for progress was the monetary reform, the end of control over production and its products, and control over monopolies, increasing population density and demand for jobs and services

KEYWORDS: Germany; Post War & Social Market Economy

Received: Dec 18 2018; **Accepted:** Jan 08, 2019; **Published:** Jan 22, 2019; **Paper Id.:** IJHRJUN20192

1. INTRODUCTION

After the end of World War II, Germany saw itself in a dilemma about which form of government would be more appropriate in relation to the new historical context of its country. It should adopt, since these decisions also had external influences, mainly from the "of war", such as Russia, France, England and part of the United States. The situation established in the country was dictated by the "Control Council" formed by these countries, which "divided Germany into four zones, each of the winning powers ruling one of the sectors with full autonomy (Department of Press and Information, 1985). The course of the nation was taken between July and August 1945 at the so-called Potsdam Conference, which discussed and sealed the policies of occupation, among the measures agreed upon at that conference: demilitarization and denazification, government dismantling and German democratization. These measures are based on a basic premise that was unified among nations and established diplomatic agreements:

Prussia should be dismembered, and whatever the state structure to be implanted would no longer count on its hegemony. The new German nation-state should be established in a federative and decentralized way, so that future abuses of power and the execution of militarist and imperialist policies could be

avoided (MORAES, 2001: 164).

This democratic resumption was marked by the constitution of new and old parties that were banished by Nazism for the purposes of national control and cohesion. In 1945 the social-democratic party was already formed and ready to enter by democratic means in the country, since the old conservative and liberal parties took more time to recompose again, being only in 1948 that several parties and liberal leaders ended up constituting the Liberal Democratic Party (FDP) that will later have significant relevance in German democracy. Thus, Russia divided Berlin, leaving the eastern part under its (Soviet / Socialist) control, and the other regions adopted capitalism as an economic premise to guide their actions, thus being divided between Eastern (Socialist) Germany and Western (Capitalist).

Germany was now divided into four zones of occupation as had been combined during the war. The Soviet zone stretched west to the Elbe, Werra and Fulda rivers. In the West, the British occupied the northern half, the Americans, the South, and the French, the contiguous areas bordering Germany (KITCHEN, 2013: 434).

The former parties that were founded before the war and / or which functioned underground during the Second Reich had profound changes during their resurgence after 1945, for example the Christian Democratic Union (CDU) with the figure of Konrad Adenauer as party leadership, which would become a party of the people and not religious of moderate conservatives. In contrast, another relevant party, Social Democratic Party (SPD) with a Marxist left tradition has become more eclectic, thus bringing much of the German middle class as its electorate. But the first party to be officially constituted was the Communist Party (KPD), with the core of the "Ulbricht Group" selected and sent to Germany by Moscow.

This partisan discomfort soon created a typical Cold War divide between the "communists" and the capitalists, causing the CDU to gradually shift to the right in the face of these tensions. Among the prominent politicians and prominent figures of this party are Ludwig Erhard, who together with Alfred Muller-Armack advocated the so-called "Social Market Economy", stating that "the state needed to interfere in order to ensure that free competition does not was being improperly blocked by monopolies and cartels, and that a broad welfare state should provide help to the less fortunate (KITCHEN, 2013: 437), "these premises are what gave rise to ordoliberalism, a necessarily transitory theory to culminate welfare.

Based on these premises, the Western side supported private industry, capitalism and the competitive economy, as well as providing relevant social services associated with what would be a social welfare economy. In addition to opening up to foreign industries for fixation in his country, joining capital and labour. The Federal Republic eventually engaged in interaction and cooperation among labour unions in partnering with economic expansion, moderating their demands to prevent inflationary pressures.

With the "letters given to players", a constitutional convention represented by ten German states took place between 1948-49 in the city of Bonn, which became the federal capital, in which the "Basic Laws" (Grundgesetz) were thought and written, instituting officially the Republic of Germany (FRG). But these laws are not the constitution, but an extensive "bill of rights" of basic laws to the citizens, of decentralized power under a federative system, with considerable authority of the States, in order to avoid the fragility of the Weimar Republic (PALMER, 1991: 894). Therefore, federalism was adopted as an option after the Nazi catastrophe, which "aimed at the control and balance of powers, not a vertical separation of powers and a separating federalism" (HOFMEISTER, 2001: 14).

These laws of the new constitution were about greater freedom of opinion, information and the press, something that was considered decisive in a more liberal democracy. The media such as radio and television would be public law establishments, "that means that their existence is based on the state or state laws between states." These fundamental laws thus established a series of democratic criteria for the people, preventing again a totalitarian regime could come to settle in the country. In this way, an attempt has been made to satisfy the interests of the Germans and allies themselves, thus initiating a process of intertwining between government units and the German federation in which:

First, the national state of West Germany would receive the formal denomination of the Federal Republic of Germany, that is, it would be a Federal State; second, subnational governments would have greater autonomy and skills, especially financial ones; third, as a consequence of the greater financial autonomy of the federated entities (...) and finally the form of interaction of the states with federal legislation would correspond to a Federal Council (MORAES, 2001: 168).

Therefore, the "head of government" would be the chancellor, elected by the majority of the lower house, the parliament (Bundestag). In order to avoid instabilities, each party would be entitled to an expressive number of seats proportional by popular votes that it had won in the campaign, thus achieving at least 5% of the national vote in order to avoid political fragmentation.

2. ECONOMIC RECOVERY TO NEW POLITICAL DIRECTIONS

After this new composition of the FRG, the rulers are faced with a great crisis dilemma established to resolve. Since the first party to govern mainly in this initial period, it was the Christian Democratic Union (CDU), from 1949 to 1969, which not only received support from the Catholic and Protestant religious sectors, but also from the business and business sectors, as well as from the middle classes of the country. In this context the figure of Konrad Adenauer, the chancellor who had governed for 14 years was very relevant in this beginning of economic recovery, being, along with Ludwig Erhard, minister of the economy (that happens him like chancellor) one of the forerunners of what would be the ordoliberalism, thus promoting a policy of stability, leadership and continuity in economic expansion in 1950.

Ordoliberalism is a typically German mark of what economist and historian Philip Mirowski called "collective neoliberal thinking." The multiple ramifications of this neoliberalism include Friedrich Hayek's version of the Austrian School, Milton Friedman's Chicago School, and the Virginia School of Public Choice, or "constitutional economy," led by James Buchanan and Gordon Tullock. The Ordoliberals owe their name to *Ordo* magazine, founded in 1948 by economists Freiburg School Walter Eucken and Franz Böhm. However, the ordoliberal intellectual sensitivity dates back to the 1930s, including the work of Wilhelm Röpke, Alfred Müller-Armack and Alexander Rüstow, among others (CALLISON, 2015).

According to Eucken, according to Euler, state regulations can help markets to be freer and, in relation to their own theory, defended capitalism, but said that the state has a necessary role to play by regulating certain sectors, such as currency, prices, and the interest rate. It sought to secure stable prices, protecting property rights, the guarantee of unlimited liability to the daring capitalist investors so that they have their profits and can re-invest them in the country.

Ordoliberalism approaches from neoliberalism, but it allows for state intervention, believing that the state plays a fundamental role as an economic regulator. Thus, it is necessary to make a reflection about neoliberalism and ordoliberalism, being important to emphasize that both are distinct theories, since neoliberalism belongs to a North

American and Austrian strand in its genesis, generally "supported by the consensus of Washington, "in which we now tend to think that Ordoliberalism is a constituent of Neoliberalism, as a theory, Neoliberalism denies state participation, but in practice uses it (RAMIREZ, 2005: 394), while ordoliberalism is a current which has different measures to support the country's economy, based on the beneficial interaction between the Public Administration and the private sector.

This so-called ordoliberalism can be considered a genuine German recipe, since it professed neither classical liberalism nor Keynesianism and the welfare state, being more alongside a developmental theory that thought of a rapid development for Germany without primitive accumulation of capital, worrying about the rapid export, dilution and devaluation of the currency itself against the money market, being a kind of "third way" among the mainstream models of the time - socialism or capitalism. According to the defense of the economist Ludwig Erhard:

He insisted that the state needed to interfere to ensure that free competition was not being unduly blocked by monopolies and cartels and that a broad welfare state should provide aid to the less fortunate and overcome marked social differences, thus mitigating tensions created by them (KITCHEN, 2013: 437)

Ordoliberalism is more critical of the free economy, believing that the free market is not totally free, as an "invisible hand" that guides its direction, but that these markets become competitive for historical reasons in which the concentration of power was placed in the hands of public and private companies distorting the economy itself, thus "the long-term viability of markets depends on limited rules and government intervention on them" (Ritterstein, 2007: 9).

Thus, in the post-war period, Germany lost much of its infrastructure and military contingent due to the bombings, the advances of the allies, the policy of dismantling and the transfer of East German industry by the Soviets at the end of the conflicts, "In May 1945, just over 20 percent of Germany's industrial park was destroyed, even in the Ruhr, where much of the Allied bombing had concentrated, two-thirds of the factories and machinery survived intact" (JUDT, 2007: 97), in this way, Germany kept something close to 80% of its industrial structure little damaged. Thus, to overcome the crisis, "the option of a democratic socialism, at this time still very much influenced by Marxist inspiration, was a kind of Third Way between capitalism and communism" (COSTA, 1999: 14).

In this context, the German State was strongly shaken, because the role of this State has always been linked to the country's development since the unification, because "without the decisive presence of the German State, the country certainly would not have surpassed the industrial production of many central countries already in the last decade of the nineteenth century" (LANDES, 1995, pp. 201-237). Therefore an intervention was necessary so that the country at least was prosperous, even more being in fact divided with the Soviet bloc and "American capitalism". Thus, it is impossible to understand the way in which Germany recovered from the War without thinking about how the American and Soviet political articulations took place in the Cold War. Because:

The strategy of American domination, however, did not repeat the errors of the post-World War I period. The recomposition of European societies should be based on a principle: the dominating state would be the US state and the restructuring of these societies should be done under its tutelage and, as far as possible, from its liberal model. Former war-torn empires, like France, still have some degrees of freedom to try to oppose the American advance (as Trotsky had predicted years earlier) (RAIMUNDO, 2009: 08).

Thus, ordoliberalism as a practice (since it is theoretically elaborated before the end of World War II), manifests itself in three distinct periods of German history, the first one can be limited between 1945 and 1948, its genesis in which

with the end of the war the "original debate" began to come into vogue in academies and consequently in politics. Secondly, what we call the social market economy - from 1948 to 1952 - is inserted, after a third period up to 1960, the German "miracle", responsible for the economic and political uprising of the country, is known. Country by virtue of the welfare state's European policies adhered to the Keynesian theory to coordinate the country in which the European Union is the result.

This first period of the original debate (1945-1948) is part of a somewhat chaotic historical situation for the country, with 10 million people dead and 80% of urban dwellings destroyed, as well as industry with its stagnant production (LAQUEUR, 1993: 6 -7), also counting on the massive immigration of Germans from the Soviet provinces at that time.

Against this background, German, English, and American scholars began to discuss and plan a reform of the country in order to erase and end the Nazi Germany's coercive regime by completely overfilling the old regime and establishing a more democratic scheme for the country. At that time, theorists agreed on some basic principles - establishing a free market system with high control and monetary reform, but extinguished with price fixing and total fiscal control under any or all public enterprises or authority.

Among the main goals for progress was monetary reform, the end of control over production and its products, and control over monopolies, increasing population density, and the demand for jobs and services. On the other hand, the sectors opposed to these reforms have proposed other ways of evading Germany, such as Karl Schiller, who proposed that the state should have monopoly power and allocate the best resources to low-cost companies with the best resources, as well as warned that the Marshall Plan was a kind of American approach to controlling the country through the monetary inducement of aid. These proposals made by the more socialist part of the academy foresaw Keynes-style plans and goals, with market forces combined with state interventions to promote full employment, price control, and growth.

Thus, the application of this theory in Germany occurred between 1948 and 1960 more actively, it was already in Brazil in the 1950's that these ideas began to enter the economic sectors, from the dissemination of the German miracle. Ordoliberalism in its practice shows liberal in its foundations, but criticizes the aspect of laissez faire economic liberal, saying that competition and free markets have been artificially formed historically with the support, articulation and accumulation of power in small niches of the public and private spheres, distorting exchange economies, because they are built historically in a partial way, so that, for the market to be viable over the years, it is necessary for the state to impose rules and intervene in the economy. For the liberal Wilhelm Röpke:

A market economy and our economic program presuppose the following type of state: a state that knows exactly where to draw the line between what it does and what does not concern it, which prevails in the sphere assigned to it, with all strength of his authority, but abstains from all external interference of his sphere - an energy arbiter whose task is neither to take part in the game nor to prescribe his movements to the players, who is better totally impartial and incorruptible and cares so that the rules of the game and of sport are strictly fulfilled. This is the state without which a true and true market economy cannot exist (RÖPKE, 1950: 192).

Ludwig Erhard, Walter Eucken, Hans Grossmann Doerth, Franz Böhm, Willhielm Röpke, Alfred Muller-Armack and Konrad Adenauer, all of whom are assigned to the School of Freiburg, are listed among the exponents of the so-called ordoliberalism. The theory of this school provides a kind of fusion between West German socialism and liberalism, which

programmed the so-called "German Economic Miracle" in the 1950s. This theory predicts that the market should be controlled, and not be totally free as envisaged by classical liberalism, but rather the state should be its provider in order to guarantee competition and monetary stability. In this way, this ordoliberal theory can also be known as Social Market Economy, because it combines terms of classical liberalism with the planned Soviet-style economy.

Among the policies of ordoliberalism are an independent monetary policy, the control of cartels and monopolies, the abandonment of protectionism, a stable and predictable economic policy, a redistributive imposition, the correction of the abnormal reactions of the markets by the State, so that it will intervene, taking responsibility for smoothing the conjuncture fluctuations and facilitating the structural adaptations of the market economy, and the State should not plan or direct the economic process, as in the Soviet economy.

Viktor Vanberg, current director of the Walter Eucken Institute and Professor of Economics at the University of Freiburg, explains that the goal of the ordoliberals is to create conditions so that the invisible hand that Adam Smith has said can do his job. This implies a focus on constitutional issues:

The ordoliberalism of the School of Freiburg starts from the premise that the market order is a constitutional order, which is defined by its institutional framework and, as such, is subject to (explicit or implicit) constitutional choice of the State. The political paradigm is based on the premise that economic policy must improve the framework of rules and economic constitution in such a way as to promote a smooth functioning and economic results, instead of bringing results only through specific interventions for the economic process. (VANBERG, 2011: 07)

The objectives of ordoliberalism are to shape the economy by formulating the rules of the game, followed by its concern that free market forces can give rise to undesirable institutions in the form of cartels. They emphasized that their program was not laissez-faire, and that Franz Böhm defined them as a legal-political approach in which all contracts are fulfilled, including those designed to reduce or eliminate competition, by pricing or between undertakings.

Laissez faire is a doctrine that more generally argues that only a minimum structure is necessary to ensure a beneficial market economy. However, there is a need for a minimum framework and a set of legal rules clearly defining personal and property rights, and prohibiting coercion, theft and fraud, with an enforcement apparatus that guarantees each operation from which the voluntary and therefore mutually beneficial.

Ordoliberals differed on these matters, for example, Eucken wanted less emphasis on income transfer in the programs Müller-Armack did, as well as the liberals. Eucken argues that at the beginning of laissez-faire, that there may be practices and small actions differentiated in relation to ideological, left-wing or conservative political recommendations. However, Eucken demonstrates that he is clearly in favour of a more active state in economic formation, rather than the state as a "night watchman" (VANBERG, 2011).

Among the theoretical particularisms of ordoliberalism is the concept of "Social Market Economy", coined by Muller-Armack, in which the main difference between classical ordoliberalism lies in the limits and in the conceptualization of the market itself. It is important to emphasize that in the ordoliberal conception the market is nothing more than a "social demand" (VANBERG, 1988: 02) and recognize that the market must be and can be competitive, combined with a minimum intervention system, and that with the time it may provide profitable services to the market. But in Muller-Armack's theory, the market is a "technical tool" that can provide wealth for society, but in ethical aspects per se,

it does not necessarily mean that it is "good" for society. The danger lies in implementing generalist policies that may suppress particular social policies.

The greatest encounters and debates of contemporary neo-liberal and neo-liberal ideas and theories were undoubtedly the Society of Mont Pelerin, an interdisciplinary group of liberal intellectuals, founded by FA Hayek in 1947. At the 1949 meeting, Walter Eucken and Ludwig von Mises discussed their "Eucken and von Mises represented in their respective works two different perspectives on the liberal nature of the market, and the role of political economy, perspectives on different forms of organization" (VANBERG, 1988: 3). In this perspective, Mises was in favour of the free market, since Eucken conceived the free market next to a constitutional order.

However, in this free market, Hayek distinguishes between the policies that intervene in the market process and the policies that seek to "embed" the market processes. Therefore, Hayek defines and differentiates what interventions and interferences in the market would be, that each one is applied differently and has its own results when applied by the State.

The founders of the Friborg school emphasized that the main means by which economic policy can seek to improve "the economy" is to improve the institutional framework in which economic activities take place or, as it is termed, "the economic constitution" (EUCKEN 1990: 378). What motivated Eucken's work was an interest in applying theoretical knowledge of Law and Economics to the practical problem "of understanding and modelling the legal instruments for an economic constitution" (Böhm; Großmann, 1989: 24). A concern they saw as part of the larger project of inquiring into the constitutional foundations of a human function of a social, economic and political order, so Eucken adopted the Latin word *Ordo*, a term with apparent connotations of natural law, which it can, however, be separated from such connotations and be interpreted in the simple sense of an order that is desirable for humans (VANBERG, 1997).

In this way, all these ideas and elaborations, both in the economic, political and social environment, resulted in the so-called German Economic Miracle - *Wirtschaftswunder*. For to the extent that these plans and projects were being applied, one can later reap the rewards, just as in the Brazilian case, in which the "Miracle of the military dictatorship" had antecedents that led to this event.

3. THE APPLICABILITY OF THEORY BY THE GERMAN STATE

One of the ideas about the nature and functioning of the German economic system is the way in which the country created its antitrust rules, provoked by the ordoliberal ideal of a constitutional economy in the European community (GIOCOLI, 2008: 03). Other policies adopted in the post-war period deal with cartels, arguing that they could be legal, provided they were publicized and that bureaucrats monitored them in order to prevent "market abuse", and that "abuse is taken here as a synonym contrary to the public interest and concretely applied in different ways depending on the given circumstances" (GIOCOLI, 2008: 17).

One of the major reformers in Germany was Minister Ludwig Erhard, as the US and British economic zone director, the minister declared the rationing password invalid at the time of the currency reform. While scarcity in Europe was managed with a planned economy, Erhard bet on the forces of the free market in the moulds of ordoliberalism. In the midst of the shortage, prices should stimulate production to ensure the supply of goods.

Later, Erhard was Minister of Economy and became the second post German Federal Chancellor (1963). In fact, its strategy worked, as the German economy grew from 10% to 12% per quarter, with moderate rates of inflation and increasing production. This caused the increase of wages and a new purchasing power for the people. By the late 1960s,

there was full employment in Germany. Foreign trade grew because the German mark, at its highly devalued beginning, allowed the placement of German products at low prices on the world market, following the logic of monetary control, could thus create a strong export industry.

A strong supporter of economic liberalism, Erhard joined the Mont Pelerin society in 1950, where he met liberal and liberal thinkers (WHITE, 2010: 317), where he withdrew his economic and political ideas to test the reorganization of the economy. Occidental Germany. Having contact with the members of the highest echelon of society. The Mont Pelerin society invited the minister to attend their meetings, for the first time the ideas of its members were tested in real life. But Erhard, committed to the ideals of the market, professed only minimal social legislation. However, he suffered a series of political protests and defeats in his effort to create a free and competitive economy in 1957, as the minister had to compromise on key issues such as anti-cartel legislation. After that, the economy of West Germany has evolved into what we might call a social market economy.

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